

Hereditary Right

NOT

INDEFEASIBLE:

OR,

Some ARGUMENTS, founded upon
the unalterable LAWS of SOCIETY
and GOVERNMENT,

PROVING

That the Right claimed by the *Jacobites*, can
never belong to any Prince or Succession
of Princes.

WITH

Proper Applications to the British
Nation, and present State of Affairs.

WITH

An APPENDIX, occasioned by the dying
Speeches of some of the REBELS.

Addressed to *Jacobites* of all Denominations.

By a true *Scotchman*, and Lover of his COUNTRY.

*Who first taught Souls enslav'd, and Realms undone,
Th' enormous Faith of Many made for One?
That proud Exception to all Nature's Laws,
T' invert the World, and counterwork its Cause?*

POPE's Essay on Man.

L O N D O N :

Printed for J. Highmore, under the Royal-Exchange.
M DCC XLVII.

[Price Six-pence.]

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THE P R E F A C E.

THE Plan of the following Sheets was laid during the Time that the late unnatural Rebellion raged with the greatest Fury, and my Design was to have published them then, but I was interrupted till the Rebellion was happily extinguished upon the memorable 16th of April, and then I judged it, as many may now, unnecessary, especially as the Occasion naturally inspired me with Sentiments, that would now be thought too bitter against those infatuated Men, who wickedly were engaged in it.

It may be asked what is my Motive in publishing it now, when I seem to own that it is in a Manner, a Posthumous Tract, sent abroad when the Transactions which occasioned it are, in a Manner, forgot?

I both hope and wish, with the greatest Ardour, that there never may happen another Rebellion, or ever be any Occasion to publish Writings of this Sort to persuade People to their Duty.

But though the Rebellion be crushed, the Seeds and Principles thereof, are yet alive in the Minds of too many, and will, if ever an Opportunity offer, discover themselves in disturbing this Nation and Government.

To prevent this, and eradicate the fatal Principle therein attacked, is the Design of this Treatise, which is now as seasonable as ever. How I have managed the Argument, must be left to the Determination of the Judicious.

I have taken Notice of a Pamphlet lately published upon this Subject, and the Reader will see that I have done the Author Justice, not only in acknowledging the Merit of his Performance, but likewise in dropping the Subject where He had taken it up, and avoiding all Suspicion of Pyrating from him.

I must likewise desire the Reader to take Notice, that as the Reasoning, as I have handled the Subject, is sometimes very abstracted, the force and conclusiveness of the Arguments may not appear at first Sight; but this the learned Reader will quickly be sensible of, though I hope upon the Whole, they will appear well founded, and I dare say conclusive.

I have only farther to add, that I am in no Pain about the Treatment I may meet with, for publishing my Thoughts upon this Subject: I know I shall be treated as a Republican, and Enemy to monarchial Government; but as I have strictly adhered to the Principles of Nature, I am glad to find, that I fall in with the Revolution Principles, which I look upon to be the Basis of British Liberty, and agreeable to Nature, and the unalterable Reason of Things.

Hereditary Right, not Indefeasible, &c.

THAT there is the strictest Analogy betwixt the Body Natural and Body Politic, is a very common and no less true Observation; and this Analogy holds in the Rise, Progress, Crisis, and Cure of Diseases incident to both; in a true Knowledge of which, with all their various Causes, Symptoms and Consequences, consists the Skill of the Physician.

To carry on the Similitude, the learned Physician, after having by the Application of proper Remedies, removed the present Malignity of the Disease, employs his next Care in prescribing a proper Regimen to hinder its Return, and to eradicate, if possible, the morbid Principles which caused it: The Application of this to the Body Politic is obvious; civil Commotions are its Diseases, which, according to their different Natures, are more or less dangerous, and therefore the Province of the Political Physician, is, after the Distemper, by proper Applications, is thrown off, thoroughly to search into the latent Springs of the Disease, and by proper Remedies to endeavour to prevent a Relapse, probing to the Bottom, and extinguishing the very Seeds from which it sprung.

The late unnatural Rebellion, to pursue our Allegory, was a Political Disorder, which appeared

with the most dreadful Symptoms; Symptoms that threatened no less than a Dissolution of the whole Fabric. The Disease proceeded, and, for a while, gathered daily new Strength, till an effectual Specific, administered, under God, by the Royal Practitioner just at the Crisis, not only stopped the Malignity, but has, by degrees, restored the Constitution to its former vigorous and healthful Condition.

But though Health be in a very great Measure restored, yet, I am afraid, the Seeds of the Disease are not quite destroyed, and therefore I persuade myself, that any Endeavours aimed that way, will be favourably received by all who wish well to the public Good; for if it was possible, once to remove the Cause, the Effect would cease; in plain Words, if the Minds of Men were freed from their Prejudices, we might soon hope to see all Party Distinction swallowed up, all Interests united in that of the Community, which are those of Religion, Liberty, and promoting the Grandeur and Trade of the Nation.

This is indeed an Event rather to be wished than hoped for, but as such an Event would render this our Country compleatly happy, it is the Concern, nay, indispensable Duty of every Well-wisher to his Country, to exert his utmost Endeavours for promoting this laudable Design; and therefore this being my only Motive in writing and publishing this Tract, I shall earnestly desire the Attention of all Parties to what is therein contained, and shall, with the utmost Impartiality, consider their Objections to and Animadversions upon my Arguments, either in a publick or private Way. I likewise hope to make it appear, in the Course of this Piece, that I am not biassed by Prejudice, or slavishly bigotted to any Sett of Opinions, that I am an Enemy to no Man's Person, nor any farther to his Principles,
than

than they are inconsistent with the Good of Society.

I shall now, without any farther Preface, lay before the Reader a brief Plan of my Design.

The Notion of unalterable indefeasible Hereditary Right, has been a Rock, upon which many otherwise great, good and honest Men have split since the Revolution.

This Principle still subsists in the Minds of too many, and will no doubt shew itself when a fit Opportunity offers; and therefore should be attacked by all the Force of Arguments; and, in order to eradicate it from Men's Minds, exposed in its naked Colours, with all its absurd and destructive Consequences.

And though there be no Hopes of prevailing with those whose Prejudices have been early imbibed, and are now so strongly rooted, as to render them obstinately inflexible; yet it may be possible to reclaim some who have been of late influenced by Power and Example, or seduced by the Craft and Dexterity of designing Men.

In order to accomplish this laudable Design, and lay before the Eyes of my Fellow-Subjects and Countrymen, the weak Foundations of that pretended Right lately made use of to disturb and overthrow the present Government, and to convince them of the Reasonableness as well as Legality of the present Government, I shall endeavour, by undeniable and conclusive Arguments, to prove, that Hereditary Right, taken in the Sense of the Jacobites, has no Foundation either as a Law of Nature, or moral Obligation; nor from revealed Religion; but is inconsistent with the fundamental Rights of Society, and highly injurious to the Wisdom, Justice and Goodness of God.

And then I shall briefly mention such Consequences as may be fairly deduced from the Argument,
and

and applicable to the British Constitution. The first Thing necessary, will be to state the Notion of Hereditary Right according to the Jacobites, who define it thus: A Right to the Government of any Nation or Kingdom, granted by God, and irrevocably settled upon the Descendants of one Family, in Consequence of which the People can never alter it; and that all Attempts by them made to resist the Prince upon any Account, are absolutely unlawful.

This Claim I am now to combat, and endeavour to overthrow. But before I proceed, I must lay down some natural Maxims assented to by all Parties.

I. That there is an eternal and unalterable Difference between Moral Good and Evil, Right and Wrong.

II. That there are fundamental Rights of Society, and Laws of Nature, without the Observation of which, Government or Society cannot subsist.

III. That whoever invades and violates these natural Rights, or attempts so to do unjustly and unprovokedly, is a great Criminal, and punishable by the Laws of the Society.

IV. That all Government is or ought to be for the good of the Governed, the Safety of the People being the supreme Law.

In order to lay a firm Foundation for our Argument, I shall ascertain some essential Properties of natural Laws and moral Obligations, by which we may try and judge whether they be such or not.

First, They must be the natural and free Sentiments of the Mind (not the Effect of Education) and inseparable from the human Soul.

The Prejudices imbibed by Education, have so very great an influence upon the Mind, that they make the most absurd Opinions pass for undeniable Truths; and therefore I again assert, that no imbibed

bibed Notions ought to be looked upon as Laws of Nature, or moral Obligations, unless they have a manifest Agreement with the uncorrupted, unprejudiced Dictates of the human Mind.

Secondly, These Laws of Nature must be plain to every, the meanest Capacity, as far as they respect the Being of Society and its Preservation, as well as that of Individuals: This Property excludes all controverted and doubtful Points which are above the common Capacities of Mankind, otherwise the greatest Part of reasonable Creatures must be ignorant of what is absolutely necessary for supporting their Being, which is absurd to suppose.

Thirdly, The Laws of Nature, &c. must be universally assented to by all Men, in all Places and Times: This distinguishes them from particular Laws made by any particular Society.

To suppose otherwise, would be to assert, that one half of Men are deprived of the common Advantages of Humanity, and left in a worse Condition than the Brutes.

Lastly, These Laws must be absolutely necessary; that is, they must be such as are interwoven and inseparably connected with the very Being of Society, and without the Observation of which it cannot subsist.

By these Properties it will be easy to try what may be justly called a Law of Nature, and moral Obligation. To proceed to the Trial.

Self-Defence and Self-Preservation are by all acknowledged to be primary Laws of Nature, not only leading Principles in Man, but common to every animated Being: All the essential Properties abovementioned, do here shew themselves in the strongest Light; Instinct, as well as Reason, points them out. The Sense and Practice of them is Universal, and absolutely Necessary, as well for the

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Preservation

Preservation of all Animals, as for the very Being of Society.

Next to this, we may justly reckon the Love of Society : That Society is the Voice of Nature, is plain from Experience and Observation ; and it is no less plain that this Desire is understood and assented to by all, even Children ; and Beasts seem to be led to that by Instinct, which Men, by the help of Reason, look upon as a Thing so agreeable to their Nature. The Universality of this Desire is abundantly evident from the Practice of all Ages, Places and Persons ; the most barbarous Species of Men that ever were discovered, have still given undeniable Instances of this, in being always found in the Practice of this Law of Nature.

Its Necessity appears at first View : Man is formed with Passions and Affections for Society, and as these are such as cannot possibly be gratified out of it, he must be the most miserable of all created Beings, if deprived of those Satisfactions which are to be found in Society. The all-wise Author of Nature has likewise ordered it so, that not only Inclination, but Interest should be the Bond of Society, and that no Individual by himself can be happy. The Wants of Humanity are such, so great the Inability of One of the Species to support himself, by himself, that I know not how to admire the Goodness of God, in thus strictly connecting the Gratifications of our Nature, with our social Obligations. Consider Man as a solitary Being, and you can scarce see any Thing more unhappy ; look upon him as a Member of Society, and how sublime a Happiness is he capable of ? From hence it will naturally follow, that the fundamental Rights, and reciprocal Duties of Society, such as mutual Justice, mutual Defence, and mutual Offices of Benevolence, are Laws of Nature and moral Obligations in the strictest Sense. They are the constant Dictates of unprejudiced Reason ;

son; they may receive additional Strength, but not Being, from Education; they are plain and obvious to all, and the Difficulty lies more in mistaking and confounding, than in perceiving and distinguishing, and even in practising them.

They are universally owned, if not practised, by all Men, in all Ages; and though there have been, and still will be unnatural Deviations from them, yet this no more destroys their Universality, than their Being and Use.

The Necessity of them is absolute, they are the Basis of Society, the only Support of all human Commerce; the breaking through them endangers, disturbs and unhinges Society, and the total Neglect of them dissolves it.

Some have questioned, whether Government may justly be called a Law of Nature; a moral Obligation it cannot; for nothing is to me plainer, than that any Society of Men have full Power to refuse putting themselves under the Dominion of any Person or Persons.

But as Government, to any reasonable Mind, must appear absolutely necessary for the Preservation of Society; we may safely admit it to be of divine Original, which is the same as to call it a Law of Nature.

Men, though formed into Society, could never have enjoy'd in any Measure, the Benefits thereof without Government, by reason their natural Corruption, Ambition, Avarice, Revenge, and all these unruly Passions that disturb human Nature, broke in, like an impetuous Flood, and destroyed, if not the Being, yet the Well-Being of Society: What was to be done? Must Society, from which Men reaped innumerable Benefits, be dissolved? No The benign Author of Being: inspires Men with the Thoughts of making Laws to secure themselves: These too were soon found insignificant

without Power to enforce them; but the same beneficent Father of all suggests Government, which from this claims a divine Original: Society could not subsist without it, and therefore the Design of it must be the Protection and Defence of the Governed, and their indisputable Duty, Obedience and Submission.

Having so far cleared the Way, and laid down some incontrovertible Maxims, and explained the Nature of moral Obligation with respect to Society and Government, I shall, in pursuance of my Argument, bring to the Test this pretended divine Right, and see if it has any Foundation as a Law of Nature, or moral Obligation.

Is it the Voice of unprejudiced, uncorrupted Reason and Nature, that the Descendants of the same Family should be invested with a Right to govern Mankind, even against, not only their Wills, but their Interest? That no Injuries, no Oppressions, no Rapines or Cruelties, can be of force to dissolve the Obligation on the Side of the Governed, but they must, with Patience bear, and be like a Herd of Cattle, whom their Master may make Beasts of Burden, kill, devour and destroy at Pleasure, and they still be as mute as Lambs, not daring to say, what doest thou?

How shocking to Nature and right Reason is it to suppose that such a Power can have any Foundation, or can be binding on reasonable Creatures?

Is not the Voice of Nature the Reverse? Does not the very Idea of the first Institution and End of Government, declare it to be for the Benefit of the Governed? And does it not follow, by the same unalterable Law of Reason, that where this End is not only not pursued, but even perverted, and that which was designed for the Good of Mankind, turned to their Plague and Destruction, that there the Obligation on their Part ceases, unless they will desert

desert themselves, and, as shall be taken Notice of afterwards, neglect the great Law of all animated Beings, namely, Self-preservation?

But farther ; Is this a Principle plain and easy to be understood ? Or is it not rather the most monstrously and absurdly unintelligible ? That Government is of a divine Original, or, which is the same, is indispensibly necessary for the Preservation of Society, is readily granted, and upon the least Consideration unprejudiced Reason will assent to it ; but that the greatest Part of reasonable and intelligent Creatures are, by an unalterable Law, to be Slaves to a few, and that the lineal indefeasible Hereditary Right of Tyrants, to enslave and harass Mankind is a Law of Nature, an indispensable moral Obligation, is such a Contradiction to common Sense, that in my Opinion, Transubstantiation itself can scarce be reckoned a Doctrine more absurd, impious or ridiculous.

Besides this Claim involves in it such inextricable Difficulties, in endeavouring to ascertain its Extent, &c. as renders it utterly impossible for one half of Mankind to understand it ; which must be a sufficient Reason to reject it, as having no Foundation in the Nature of Things. This will appear plainer in the further Prosecution of this Argument. But perhaps this Doctrine may, in the Opinion of some, have a considerable Weight from its Universality ; Hereditary Right, say they, has obtained more than any other Kind.

It would take up too much Time entirely to discuss this Point ; only let it be observed, that its Universality can never be proved to have extended to all Times, Places and Nations ; otherwise the same Government would not in this Age have been Monarchy, in the next Aristocracy, &c. Kingdoms have been changed into Republicks, and these again into Kingdoms ; the Government of the same Na-
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tion or Kingdom has been translated from one Family to another, and from that to a Third.— That these Things are true, History abundantly testifies, and if they be, where is this boasted Universality? If any should here object that these Changes do not destroy a positive Law, and that they were all Usurpations, and had no other Right than Force, this is only affirming without proving, and taking that for granted which is denied; for as it is already shewn, that this Claim has no Foundation in right Reason and the Nature of Things, nay, is contradictory to both, it never can be admitted to be universal, unless it had obtained in all Ages and Places so far as to have been the universal Sense of the People, though sometimes obstructed by Force. This, I am sure, can never be proved; and though we grant that some, even most of the Changes that have happened in Government, have been brought about by Force, or other indirect Means, yet this Concession cannot give our Adversaries any considerable Advantage; because they cannot, without confounding themselves, maintain that no Change of Government is lawful, or that the Right thereupon founded, can never be legitimate.

I shall, before I finish this Discourse, shew into what an inextricable Dilemma the Advocates for Hereditary Right, bring themselves in this Case; and shall here mention an Example, in order to shew that one Sort of Government may be changed for another without the Charge of Usurpation.

The *Romans* were at first governed by Kings, tho' their Right of Succession was not strictly Hereditary, nor can the Question be determined, because the first four at least died without Issue, or near Relations, as far as History informs us. *Tarquin*, the last indeed, by the Murder of his Father in Law, and some other Acts of Injustice and Cruelty, had got the Kingdom, and endeavoured to make it Hereditary;

tary ; for which Reasons he became justly and universally hated by his Subjects, who soon found an Opportunity to shake off his Yoke.

His Son, and designed Successor, committed a Rape upon a *Roman* Lady of the first Quality, and thereupon the whole Family were banished, and for ever excluded ; the Form of Government changed ; and the State new-modelled : And their best Historians assure us that their Grandeur afterwards was entirely owing to this Change of Government. This was confirmed by Experience ; for this State, from an insignificant Territory, became formidable to their Neighbours, and Mistress of the World.

Here we see the Government of a Nation, by the Consent of the People, changed, and the State thereby raised to the highest Pitch of Grandeur. Is there not from hence an irrefragable Argument against the Universality of Hereditary Right ? Is it not plain from this Instance, that though Government be of divine Original, no particular Form thereof can be proved to be so ? But that Monarchy, Aristocracy, or any other Species thereof, is entituled to the divine Protection, and justly claims the Obedience of the Subject.

*For Forms of Government let Fools contest,
Whate'er is best administred is best.*

POPE's Essay on Man.

But perhaps Hereditary Right may recommend itself by the Usefulness thereof to Society ; a Point which its Advocates strenuously endeavour to prove, by magnifying those imaginary Inconveniencies that arise from other Forms ; but that this can never arise from its own Nature, will be plain from the following Arguments.

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If Courage, Humanity and all other Qualities necessary to form the Character of a good Prince and Father of his Country, were to descend from Father to Son, Hereditary Right would be inseparable from the Happiness of Society, and to preserve it entire, a Moral and indispensable Duty : But as it is in the Power of no Man to transmit his Virtues to his Posterity, and as the best King may have the most tyrannical and wicked Son and Successor, it must be granted, by the fourth general Maxim, that Hereditary Right is by no means calculated for the Happiness of Society, but the contrary.

And as I have undertaken to prove not only that this Right is chimerical, and without any solid Foundation as a Law of Nature, but that it is diametrically opposite to the fundamental Rights of Nature and Society ; I shall now proceed to the remaining Part of the Argument.

If we allow Hereditary Right unalterable upon any Account, we deprive reasonable Creatures of the Benefit of the first and greatest Laws of Nature, Self-defence and Self-preservation ; and that this is no strained or forced Consequence from the Doctrine of Hereditary Right, plainly appears from the very Definition which condemns all Resistance as absolutely unlawful.

If it be asked, what Subjects must do if harassed, oppressed, and tyrannized over, and this with Regard to their Minds, Bodies or Estates, Lives and Liberties, and perhaps all ? The Answer is, they must yield a passive Obedience, that is, in other Words, they must not, dare not, under Pain of Damnation, make use of the Means which God and Nature has put in their Power, to redress, protect and defend themselves : Can any Thing be plainer than that this Notion of Hereditary Right, and the Consequences drawn from it, destroys, and
sets

sets aside this greatest and most obvious Law of Nature?

Some of the Advocates for *Jacobitism*, ashamed of the Consequences of this absurd Doctrine, make a Distinction here, and allow, that in Cases of the utmost Extremity, Resistance is lawful; but that though Subjects may thus endeavour to bring their Sovereign to Reason, yet his Right must remain entire; they must restrain, but cannot set aside. But when we look more narrowly into the Matter, the Consequences, even upon this Concession, tho' more remote, will still be the same.

A Prince that once breaks in upon his Subjects Liberties, and is of a tyrannical Disposition, especially when actuated by a Persuasion, that his Subjects have no Rights but from Him, will scarce be restrained by any Laws; and though obliged for a while to conceal his Resentments, will, upon the removal of such Force, return to his wonted Course; of this we have frequent undeniable Instances, both abroad and at home.

Now I would ask this Question, Whether if such a King, after repeated Breach of Oaths, Obligations, &c. and frequent Checks from his Subjects, should prove incorrigible, and persist in oppressing Mankind, what is to be done? Are not the most flagrant repeated Attacks upon the Lives and Liberties of Men, sufficient to absolve them from their Obligations of Subjection to him? According to Hereditary Right, they are not. Will they allow his Hands to be bound then, and his Power set bounds to? Yes, but his Right must remain entire: But this is either granting nothing at all, or granting too much. If Resistance be at all lawful, not only the Actions of Violence may be thereby restrained, but that pretended Right whereby a Prince may think himself authorized to commit them, may be set aside, and annulled. Otherwise, tho'

one Tyrant may, by the Resistance of his Subjects, fail of accomplishing his Designs to enslave them; his next Successor, invested with the same Power, may attempt the same Thing, and in Spite of all Endeavours to the contrary, gain his Ends; and if one or two fail, as long as this Right is held to be immutable, it is still in the Power of the Sovereign to enslave the Subject.

On the other Hand, this Concession is as good as giving up the Question; for to allow Resistance at all, and to deny that it extends to setting aside the Right, as well as limiting the Power, is averring what the Teachers of unlimited passive Obedience have branded as a Position traiterous and seditious, taking up Arms against the King's Person, to preserve his Authority, as tending to the utter Overthrow of the Doctrine then established.

This implies no less than that if a Prince can be restrained by no other Means, he may entirely be deprived of his Power, and another govern in his Name, and that nothing is to be left to the King, but the very Name and Shadow of Royalty, a Right but no Power, which in my Opinion is no less than a Contradiction: This is what the admirable *Shakespeare* makes a deprived Monarch emphatically call a King and no King.

This was an Expedient proposed in the Case of King *James II.* but rejected as inconsistent with the Safety of the People; and indeed this Concession could not then be made, but with a captious Design to render all that the Nation had done for their Security of none Effect.

In one Word, if we allow this Claim, and deprive Mankind of the Power of resisting Injuries, we abrogate this great Law of Nature, and make them more wretched than Brutes. The most inconsiderable Animal is allowed to exert its Power for its own Defence, but Man must not. How absurd and
inconsistent

inconsistent to establish a Right to deprive reasonable Creatures of the Privilege of all other Animals !

Secondly, Mutual Justice, mutual Offices of Society, the indisputable Right that every Man has from God and Nature to preserve his Property, must all be set aside and annulled, if the Claim of Hereditary Right be allowed.

If the End of all Government be the Good of the Governed, and *salus Populi suprema Lex*, it must follow, as a necessary Consequence, that no Government can be without the Consent of the People, and that there must be a real Contract, either tacit or express'd, between the two Parties, the Governor and Governed, Sovereign and Subject : The Obligation on the Part of the former is Protection, and of the latter Submission ; and in the reciprocal fulfilling of these Engagements, consists the Happiness of Government as a Society.

Whatever Ridicule the Term of Original Contract may meet with, nothing is plainer from the very Nature of Government ; and as plain it is, that without a mutual Performance of the Offices of Society, it cannot subsist, nay cannot Be, the very Name of Society implies it : Without mutual Justice these Offices would soon be superseded ; and unless Property be ascertained and secured, the two former would be insignificant : The Use then of Government, is to enforce Laws made for the Security of these fundamental Rights, but if the Claim of immutable Hereditary Right be established, the very Primary and moral Design of Government is inverted.

If we allow that no Invasions of Property, no Breach of that Original Contract that must subsist between Sovereign and Subject, no Infringment of the most obvious Laws of Justice and Humanity, or Neglect of the most necessary Offices of Benevo-

lence, can ever invalidate the Right of a Prince to govern others; is not this a plain Declaration that the most sacred Rights of Mankind are nothing, and that they have no other Claims to them, but the good Will of a Tyrant whose Property they are? That Millions were created to feed the voracious Ambition of one? In one Word, that Justice, Goodness, and all divine and human Laws, must be sacrificed to a Claim that has no Foundation? If there be, as certainly there must, mutual Duties in Society, there must be reciprocal Engagements between the Prince and People; and he can lay no Claim to their Obedience, if he avowedly invade their Rights, and refuse them the stipulated Duties of Protection, &c.

Here is a Case as plain as Words, or the Nature of Things can make it; Sovereign and Subject are Relatives, mutually bound to perform those respective Parts of their Contract which the Laws allot to each, and without the Performance of which, such a Society must be dissolved.

But this cannot be, if we admit Hereditary Right to be immutable; for first, this sets the Sovereign above all Obligations to Society; and to whom nothing is given, from him nothing can be required. Such a Sovereign may, of his own Goodness, protect and defend his Subjects, but this he never looks upon himself as bound to do. But, *Secondly*, If He be a Tyrant, there is no recourse against his Tyranny; his Power is immediately from Heaven, and to God only he pretends to be accountable: He never can break the Laws, because he looks upon himself as bound by none; and where there is no Law, there can be no Transgression.

From all which it plainly appears that the most essential Laws of Nature, and Rights of Society, must all be set aside and annulled if this Claim be admitted.

I shall

I shall now shew this pretended Right not only to have no Foundation in revealed Religion, but to be even contrary to it.

It would far exceed the Bounds that I have in this Discourse set to myself, to consider every one of these Texts of Scripture, which by the Advocates of these Doctrines, have been wrested to serve their purpose; and therefore it may be sufficient to observe, that such of these Texts as relate to the *Jews*, can with no Shadow of Justice be applied to or binding upon other Nations; and in this I have the Authority of the Church, declaring that none of the political or ceremonial Part of the Mosaic Law, which was peculiarly adapted to the *Jews*, is obligatory on Christians of any Nation, but only the Moral: And as for the Precepts of the *New Testament*, it is plain they enjoin no particular Form of Government, but only Obedience to the Powers in Being; in all other respects Christianity, as the learned Bishop *Beveridge* justly observes, leaves us where it found us, because the Doctrines and Precepts of the Gospel are equally adapted to all Men under all Governments.

Neither can the Examples among the *Jews*, any more than their Precepts, be binding upon any other Community. But though we should allow them such, our Adversaries can thereby reap little or no Advantage, for even in *David's* Posterity they can never, without the most absurd Reasonings, establish any Thing like the Right they claim; which will plainly appear from the following Observations.

First, *Saul* was chosen King, and had the most valid Title that possibly can be; the Choice of the People directed by God. But no sooner did *Saul* abuse and pervert his Power, than, by the same divine Appointment, he is set aside, and all his Family, and *David* chosen in his Room. From which it is plain, *First*, That if no other Form than Hereditary

editary Right had been agreeable to the Will of God, *Saul* and his Family could never have been set aside. God is a Being of unchangeable Constancy, and therefore it would be the most impious Contradiction to assert that he had settled an immutable Right in any Prince or Princes, and yet allow the divine Authority of these Records, which so plainly tell us that God transferred his Right from *Saul* to *David*.

Secondly, It is plain that though both these Princes were chosen of God, yet the Right of the People to confirm the Government to them, is very particularly taken Notice of by the sacred Historians. They assembled, cast Lots, which was the Manner of choosing, and then solemnly, in the eastern Dialect of long Live, or God save the KING, proclaimed *Saul*; and afterwards, by *Samuel's* Direction, as solemnly confirmed their former Choice, though some seem to have dissented.

After *Saul's* Death, the Tribe of *Judah* solemnly assemble and anoint *David* for their King; and some time after, upon the failure of *Saul's* Issue, he is with the utmost Solemnity anointed and recognized as King of *Israel*; from which Circumstances, Commentators have with Justice confirmed the known Maxim, *Vox Populi est Vox Dei*, the Voice or Choice of the People, is the Voice of God.

Secondly, I observe from the *Jewish* History, that even in *David's* immediate Successor, Hereditary Right according to Primogeniture was not observed: For *Solomon*, though made King by the Appointment of *David*, directed by God, was but a younger Brother, and *Adonijah* an elder, was rejected, though made King by a very powerful Party.

Thirdly, I observe that in the Case of *Rehoboam* and *Jeroboam*, when the ten Tribes renounced their Allegiance to the Family of *David*, their Revolt is so far from being branded with the Name of Rebellion

bellion by the inspired Writer, that nothing is blamed but their forsaking the true Worship of God. Had the Hereditary Right of *David's* House been a Thing in the Sight of God unalterable, this Separation would have been condemned, and their returning to their Allegiance enjoined: Instead of this, *Jeroboam* is honoured with the Title of King, as well as *Reboboam*, and the same divine Protection which attended *David*, is promised to him, upon his pursuing the same Conduct.

Lastly, I observe, that our blessed Saviour, tho' lineally descended from *David*, and therefore, according to Hereditary Right-Men, only true and right Heir to the regal Government of the *Jews*, yet never once asserts his Claim: but, on the contrary, when pressed to it by his Disciples and others, and favoured, humanly speaking, with the most favourable Opportunity; a great *Jewish* Prince being then expected both by the *Jews*, and other Nations; he absolutely declined it, and owned Submission to the *Roman* Government, by paying them Tribute, and enjoining the same to others. But had Hereditary Right been established as a divine immutable Law, the great Teacher of Mankind must have been the great Example, and, in Virtue of this Right, an earthly King.

It is well known that the *Romans* had no other Claim to the Civil Obedience of the *Jews*, but by Conquest, the worst and most disputable of Titles; and yet the great Teacher of the World never speaks against it, but by Example and Precept pays thereto Submission.

I cannot leave this Head without entering my Caveat against two Objections that may be made to this Part of my Discourse. And *First*, I am not hereby liable to answer all those Difficulties that may be started against my Arguments from Scripture, by Deists and others who deny the divine Authority

Authority thereof, because I have supposed my Adversaries to grant this, and have argued from that Supposition.

Secondly, Neither do I quote these Examples of the *Jewish* Government in order to apply them to ours, or that of any other Nation, but merely to shew how little ground the Assertors of Hereditary Right have from the sacred Story.

I shall proceed to shew that this spurious Claim, as it has no Foundation in Scripture, is likewise highly injurious to the Wisdom, Justice and Goodness of God.

To suppose that an infinitely wise Being, whose Wisdom is fully as conspicuous in the Government of the World, as in the Production of it, has given up the Lives, Liberties, and all other the most sacred Rights of his reasonable Creatures, for the mere Gratification of the Ambition, Pride, and Avarice of a Few, is to accuse him of such Folly, such absurd Folly, as to allow, throws a Disgrace even upon human Prudence. God hath declared that Man can never please him, but by a strict Adherence to Justice, Mercy, and all other social Virtues; shall any one then dare to affirm that the divine Wisdom can ever be reconciled to a Claim, the admitting of which in its utmost Latitude, must, of necessity, set aside all Obligation to the Performance of these Duties upon the Part of the Prince?

Wisdom, to reasonable Minds, appears in choosing what is meet; and we admire this glorious Attribute in the Deity, as pursuing the most worthy and exalted Purposes by suitable Means: The moral Government of the World is worthy of God himself, and the greatest Pitch of human Wisdom is to follow, as nearly as possible, the divine Plan in the Regulation and OEconomy of Society and Government. This is in other Words to maintain among Men, the uninterrupted Exercise of those
Virtues

Virtues and social Obligations upon which the Happiness of the moral World depends. What then can be more derogatory to divine Wisdom, than to admit, as an indisputable Principle, a Right which treats all these sacred Obligations of Society, all Imitation of divine Wisdom in the Government of Mankind, as Instances of Folly, as Principles chimerical and absurd, nay, rebellious and seditious?

Secondly, To admit the Claim of indefeasible Hereditary Right, destroys the Justice of God in his Government of Mankind: Divine Justice considered in this Light, may be thus defined: A fixed and impartial Regard to, and Approbation of all the fundamental Rights of Mankind, and all those social Obligations upon which just Government must be founded.

I must observe, that as I am not here speaking of the Justice of God in Matters of Salvation, we can conceive no other Idea of it, as it regards Society, and God's Government of the World, than what is contained in the above Definition; which is the same as to say, that divine Justice consists in rendering to every Man, and consequently to Societies of Men, according to their Due.

This is plain from the Scriptures recommending Justice to Men from this very Consideration; we are required to do Justice, and love Mercy; to do to others as we would have them do to us; to render to all Men their due: And to persuade us to imitate this divine Perfection of Justice, we are told that God is no Respector of Persons, and that according to our Behaviour, as Members of Society, we shall be rewarded or punished by unerring Justice at last. It is justly observed, by an eminent Author, that we can form no Idea of any of the divine Perfections, but by annexing that of Infinity to the Conceptions we form of the Perfections in a human Soul.

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What better, or more agreeable Perception can there be of divine Justice in Regard to Men, than to consider it as a fixed and immutable Regard to, and Approbation of these eternal and unalterable Laws of Right and Equity, by which he has so solemnly declared that he governs, and will at last judge the World?

In the Sight of God Men are only valuable for their Virtues, and for their Resemblance to him; and the greatest King or Prince upon Earth can have here no Preference, unless by a Superiority of Goodness (this Consideration abates nothing of his Preeminence with regard to Society :) And to be sure the most divine Right that any Monarch can have, is that of preserving the just and unalterable Privileges of Society. And therefore to say, that a God of inflexible Justice and Equity, who beholds all Nature, and particularly all his reasonable Creatures, with an equal Eye, would ever have, by any immutable Law, given up Millions of these to be the Victims of Pride, Ambition, Cruelty and Avarice, Qualities to which he must have an utter Abhorrence, is to represent him as a Being, the most arbitrary and unjust, as the declared Enemy, instead of the just Protector of Mankind.

Shall not the Judge of the whole Earth do right? Can ever the Fountain of eternal Justice establish Injustice as a Law? But this he must do, if we grant a divine Right to Tyrants to harass and destroy Mankind, and extend the Claim by an immutable and unalterable Succession. Is not this to make God the Author of the greatest Evil? To charge him, in fact, with the most detestable Breach of that eternal Justice which is inseparable from his Nature? And of such a shameful Partiality to a few of the most worthless too, as would be a gross Reflection even on the Justice of a Man, and is in reality,
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the most unamiable Picture that could be drawn of Injustice itself ?

How emphatically as well as justly does the Poet stile this,

Tb' enormous Faith of Many made for One ?

POPE's Essay.

Thirdly, To grant this Claim in its full Extent, is contradictory to the Goodness and Mercy of God, as well as to his Wisdom and Justice.

We are told that this Goodness extends to all, and that God's tender Mercies are over all his other Works. This is the most amiable Light in which we can view the divine Being, namely, in taking delight, in being pleased and satisfied with the Manifestations of his exuberant Bounty to all his Creatures. This was his only Motive in giving them Being, that he might therewith impart Happiness to them; and now can this gracious, this benevolent, this beneficent Father of All, ever delight in the Misery of any Thing that he hath made? Surely no.

His Goodness is in no one Instance more remarkable than in the moral Government of the World; these Laws of Nature by him implanted in the human Soul, if attended to and followed, are sufficient to ascertain at least the Happiness of Men as sociable Creatures. Ought not then every Opinion and Principle that represents God as a cruel arbitrary Being, to be exploded with the utmost Detestation of reasonable Minds?

But the impious Claim of Hereditary indefeasible Right of Princes, brings in the God of Mercy and Goodness, as Regardless of human Misery, as delivering up in the most cruel and arbitrary Manner, his reasonable innocent Creatures, as Lambs to the Slaughter; nay, as approving, by an express Law,

of a Right in Tyrants to make Havock of their Species.

Is this an Idea agreeable to the supreme Being, as the Fountain of Goodness and Benevolence? Is this consistent with the Character of a God of Mercy, who Delights in doing good? Or is not this the most adequate Representation that can be made of that miserable and malicious Being, who, as he is so himself irrecoverably, takes Delight in seeing, if possible, the whole Creation as miserable as himself?

And thus I have finished my Argument, and I hope plainly proved, that Hereditary Right, taken in the Sense of the *Jacobites*, has no Foundation either as a Law of Nature, or moral Obligation, nor from revealed Religion, but is inconsistent with the fundamental Rights of Society, and highly injurious to the Wisdom, Justice and Goodness of God.

It remains to remark upon such Consequences as may be fairly drawn from the Principles laid down, and applicable to the British Constitution, and our present Establishment.

And the first Thing that naturally offers to our Thoughts, is this Question, Whether upon these Principles the People of these Nations stand justified in Regard to the Revolution, and their Behaviour to King *James II.* at that Juncture?

I answer, They are fully justified upon the Principles laid down and proved. To illustrate this, I shall make the following Observations.

First, That Prince broke the Original Contract, that must subsist between a King and his Subjects, by endeavouring (and persisting in an avowed Design) to destroy their natural and constitutional Rights and Privileges, both religious and civil, and upon their Ruins to erect an absolute and despotic Government.

As the Term *Original Contract* has been treated as a Chimera by some, and as a Principle inconsistent with

with monarchical Government by others; to avoid all cavilling about a Term, I ask if the Friends of King *James* allow that he took the Coronation Oath? This cannot be denied. Did he not then bind himself, by this Oath, to defend and preserve inviolable, as far as in him lay, all the Rights and Privileges of the Nation, both Religious and Civil? Here is the King's Part of the Compact, as Puffendorf phrases it; and are not the Oaths of Allegiance and Supremacy the Engagements on the Part of the Subject? Is there not here a plain Covenant or Agreement, two stipulating Parties, Sovereign and Subject? The former most solemnly promises Protection and Defence; the latter, in Consequence of of this, Obedience and Submission. It only now remains to prove, that King *James* broke this Agreement, or, in other Words, violated his Coronation Oath: For if he did, his Subjects were no longer bound to obey him, unless we grant, what has been proved impossible and absurd, a Right to enjoin Things tending to their Destruction, and they obliged, by Virtue of this, if not to obey, yet to suffer.

To strengthen this Argument in favour of the Nation at that Time, it must be observed, that this Prince not only formed evil Designs against his Subjects, but after repeated Admonitions, and the humblest and most loyal Representations that he would desist; he persisted to the last in his first Resolution, and by his Conduct plainly shewed, that he never intended to give the Nation any reasonable Security or Satisfaction.

For the Truth of this, I might refer to the Sense of the Nation at that Time, and the famous Vote passed by their Representatives assembled, wherein is expressly declared, in what Instances the King had broke the fundamental Laws of the Kingdom, for which reasons he is solemnly declared incapable of

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holding the Crown and Government of these Realms, and the same settled upon the next Heirs, as if he had been dead. And this Proceeding is grounded not only upon his former Infringment of the Subjects Rights, but upon his refusing to alter his Conduct, and thereupon abandoning the Kingdom.

A Short View of some Parts of this Prince's Reign, will put this Matter beyond Dispute.

First, His abolishing the Privileges of Corporations, by revoking their Charters, is an undeniable Proof of his Designs upon civil Liberty.

By this Means he would in a little Time have had it in his Power, so far to have influenced the Parliamentary Elections, and all other public and judicial Proceedings, as to have had them entirely at his Devotion; and so fit Instruments to propagate the arbitrary Power he so earnestly grasped after.

Now if the Charters of Corporations be justly esteemed a valuable Branch of the British Liberty, did not King *James* break his Coronation Oath in taking these away?

Secondly, His setting up an Ecclesiastical Court, and investing it with such a boundless Authority, was a plain Indication of this Prince's Designs to change the established Religion; and the Proceedings of this Court confirm this beyond Contradiction: No Writings of Controversy, or at least against Popery, were allowed; nor any Preacher suffered to expose its Errors from the Pulpit; and if any dared to disobey, he pay'd severely for his Contumacy: In the mean while, the Nation swarm'd with Priests, Jesuits and their Writings. The Case of the Bishop of *London* and Dr. *Sharp*, are too well known to be here inserted.

It would be too tedious to mention the innumerable Instances, which this biggoted infatuated Prince shewed of his violent Attachment to his Religion; his Behaviour to the Bishops, the Universities, and those

those of the Clergy who did not favour his Designs, are plain Proofs, that it was not the Want of Will, but of Power, that hindered him from establishing the Popish, upon the Ruins of the Protestant Religion. His granting an unlimited Toleration has been pleaded by his Friends as an Instance of his Lenity in Matters of Religion. But this was an Artifice too gross to pass upon any Party of Protestants, either Churchmen or Dissenters, even at that Time; it was quickly seen, that the plain Intention was by Degrees to establish the Credit of Popery, by gaining a Number of Profelytes; this was to be done, by not only openly tolerating it, but by caressing its Adherents, and so by little and little to pave the Way, till such Time as Matters were ripe to force it down the Nation's Throats by Fire and Sword.

To deny that these were King *James's* Designs, is, in my Opinion, to deny that it is Day-Light when the Sun shines; and as we can have no other rational Way to judge of the Intentions of Men, but by the general Bent of their Actions, it is impossible to account for the Motives that could influence that Prince to act as he did, especially as he knew by Experience, how averse the Nation was to that Religion which he desired so much to have established.

To this might be added, his conferring Places of Trust and Profit, and these Ecclesiastical, Civil, and Military, upon Persons either notorious Papists, or vehemently suspected of being such.

This was the most flagrant and avowed Breach of the Laws made to secure the Protestant Religion, and left no longer room to doubt of the King's Designs upon our religious Privileges.

Thirdly, The Power assumed by this Prince of dispensing with the Laws, and declaring himself above them, is an undeniable Proof of his settled Design

to introduce and establish an unlimited and arbitrary Government over a free People.

Every Step of his Proceedings evidently pointed at this: To mention all the Instances, would be no less a Task than transcribing his whole Reign, or at least the most material Transactions thereof. His levying Money without Consent of Parliament; his raising an Army, and modelling it according to his sole Pleasure; his imprisoning Men upon the slightest Pretences, and denying them the great Privilege of Englishmen; namely, admittance to Bail, but upon Terms extremely hard, and many Times impossible; in a Word, his influencing the Administration of Justice in such a Manner, as rendered the Judges merely his Creatures, and their Determinations his and his Council's Dictates, are such glaring Instances of his Designs and Inclinations, that he that runs may read them; and to deny them, argues either the grossest Ignorance, or the most invincible Partiality.

Secondly, I must observe, that King *James* not only violated his Coronation Oath, as we have seen, but also deserted the Government, and thereby left the Nation at Liberty to preclude him from ever resuming it.

I know the *Jacobites* deny that ever King *James*, voluntarily deserted the Kingdom, but was forced to fly, in order to secure his Person from the Prince of *Orange*, who, say they, had a Design both upon his Life and Crown.

But I am very well persuaded, that they who make this Objection, do it rather to excuse King *James*, than that they believe there is any Truth in it. I shall take Notice of some Circumstances which demonstratively shew that the King's leaving the Kingdom at that Juncture was not Force, but some other Reasons.

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First, The King was sufficiently convinced of the Loyalty of the Nation in general, and that they wanted nothing more than a reasonable Security for their religious and civil Liberties; of this no-body can doubt, who considers with what Unanimity the whole Body of the People appeared against the Rebellion of the Duke of *Monmouth*.

Secondly, Even after the Arrival of the Prince of *Orange*, and the falling off of the best Part of the Nation from King *James*, no Violence was used either to the King, or any of his Adherents; that this is true, I appeal to the History of the Times.

Thirdly, No further or greater Demands were made upon the King, after the Prince of *Orange*'s landing, than had been by the Parliament before; the calling of a free Parliament; the securing, by wholesome Laws, the Religion and Liberties of the Subject; and all this done in such a Manner as might have freed the Nation from such Fears for the future.

Fourthly, The Behaviour of the greatest Part of the Nation, upon the King's Return to his Palace, after he had been persuaded to drop his Intentions of deserting the Kingdom; undeniably demonstrates that the King was under no Necessity of leaving the Kingdom, since it plainly appeared, that the whole Nation wished for nothing more ardently than to have seen the King enjoying his just Rights, and the Kingdom settled.

Fifthly, The Conduct of the Prince of *Orange* was such, that the King was under no Restraint, but only in pursuing his former unwarrantable Measures; and nobody then doubted, but upon the Settlement of Affairs, the Prince, as he declared, would have withdrawn.

The Liberty the King had, is evident from his withdrawing and returning at Pleasure; the only Pretension of Force, is his being obliged to remove

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from *Whitehall*; but this can be of no great Weight if it be considered, that he was allowed to go to any other Place of the Kingdom, and that the Security of the Nation, from the violent Measures of those that swayed the King, rendered that Step absolutely necessary: And further, I believe that none can deny, but if the Prince of *Orange* had had a Design to seize the King's Person, there were frequent Opportunities.

Sixtly, The Manner of the King's leaving the Kingdom, plainly shews that it was his free Choice.

He fled without being pursued; without making any Provision for the Government in his Absence; he violated, by his Flight, his solemn Promise to call a free Parliament. His ordering the Army to be disbanded, and the Writs to be burnt, by which the Parliament was to have been called; and throwing the great Seal of the Kingdom into the *Thames*, all plainly shew that the Desertion was voluntary, and that the Design thereof, was to throw the Nation into Confusion, and then bring in a foreign Force to subdue them.

If the End of all Government be the Good of the Governed, it must follow that when a Nation is thus left in the Condition of Nature, without any Government, they have a Liberty to choose what Form they please, or to settle the ancient Form with what new Regulations they think fit. This is the Opinion of the most eminent Casuists, who unanimously declare, that in this Case, the Government reverts to the People; and who, without destroying the fundamental Rights of Mankind, can accuse the British Nation of Injustice, in settling the Government in such a Manner as they judged most convenient for their future Security?

Every discerning Man plainly saw that their All was at Stake; their Religion established by the Blood of their pious and worthy Ancestors, and now continued

tinued for near two hundred Years in its primitive Purity, was in Danger, the most eminent Danger of being eradicated, and in its Place the Yoke of Romish Tyranny and Superstition re-established, which neither their Fathers or they were able to bear. Their inestimable Liberties and Privileges, which had cost their Ancestors Millions of Blood and Treasure to obtain and confirm; and those excellent Laws, by means of which the Nation had enjoyed such Happiness, were all ready to be torn from them, and Tyranny, Arbitrary Power, and all their dreadful Concomitants, to usurp their Place.

What was now to be done? Were all these to be given up to the capricious Right of an infatuated, misguided and bigotted Prince, because, in his own Opinion, his Right was unalterable? His Right to govern according to Law, was never questioned; but must this Right be extended to the enslaving and destroying his Subjects? Surely no: Self-Defence and Preservation, the preserving the Constitution of the Nation, the Laws and Liberties of a free and independent People, were sufficient Grounds for the Subjects to withstand his Attempts, and endeavour to bring even their King to reason.

But this, say his Friends, ought to have been done by gentle Means, by Addresses, Representations, and humble Advice. And has it not been shewn that this was the very Means used, but without Effect; for rather than not reign absolute, he would not reign all all: His inflexible Obstinacy, as we have seen, was the only Hindrance to a perfect Reconciliation.

To conclude this Part of my Discourse, if there is any such Thing as acting upon the Principles of Self-Preservation; any such Thing as Rights of Society; any such Thing as human Liberty: If to preserve the Constitution of a Nation and Government, the invaluable Blessings of religious and civil

Liberty from being destroyed, can justify this Nation, they are fully justified as Men, as Free Britons and as Christians.

I shall only add, that as our Government is a limited Monarchy, King *James's* Pretensions to divine Hereditary Right, must be inconsistent with the Nature of this free Government.

The next Consequence from the Principles laid down, is, that his present Majesty King *George II.* has an undoubted Right and Title to the Crown and supreme Government of these Kingdoms. Tho' this be inseparable from Revolution Principles, which I have shewed to be agreeable to Reason and Justice, yet a few corroborative Considerations may, I hope, still add Weight to this great and grateful political Truth.

First, His present Majesty is in reality the next Heir in a lineal Descent, qualified to possess this Government, and fill the British Throne.

As our Monarchy is limited, so must the Succession be; as we are a free People by our Constitution, 'tis absurd and impossible to suppose that the Nation will ever settle the Government in such a Manner, as to sacrifice to that Settlement, their Privileges, Liberties, and the very Soul of their Constitution.

But this must have been the Case before now, if the Nation had admitted the Claim of King *James* the Second, or if his Descendants, supposing them to be really such; whereas, by the present Establishment, these are secured in the most ample Manner: It would require a separate Treatise to shew in how many Respects the Pretender and his Family are utterly incapable of, and unqualified for the Government of this free Nation: Let this one Reason suffice here; the Adherents of the Pretender own that his Design was to bring back Things to the State they were in before the Revolution. If then, the
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Basis of British Liberty, as we have seen, be fixed upon Revolution Principles; these destroyed, leaves the Nation in that cruel State of uncertainty in which she then was, and exposed to the Resentment of her most implacable Enemies, liable and obnoxious to the Loss of her religious and civil Liberties, which for the very Reason mentioned, none but his present Majesty and Royal Descendants can secure to us. I should have enlarged upon this Part of my Subject, but when I had gone thus far, I happened to meet with a Pamphlet entituled, *A Vindication of His Majesty's Title to the Crown*, which I look upon as a Master-piece in its kind; the Reasoning is clear and candid, the Arguments strong, and represented in the best Light, and in my Opinion unanswerable.

I take take this Opportunity publickly to thank the reverend and learned Author, for his laudable Endeavours to promote the Sentiments of Truth and Loyalty.

I shall but just name some other Considerations, referring my Readers, for farther Satisfaction, to the Treatise just mentioned.

His Majesty's Title to the Crown appears yet stronger, by his and his Royal Father's peaceably enjoying it for upwards of Thirty Years.

Though some may ridicule this Argument as groundless, yet when further considered, it appears a very strong one; Possession, peaceable Possession for such a long Time, may justly claim a Right by Prescription: This is not my singular Opinion, but supported by the Testimony and Consent of the best Casuists, and most learned Men in the World.

Among others, I cannot omit the Testimony of a learned and worthy Roman Catholick, Mr *Thomas White*, of *Hutton in Essex*, a secular Priest, who in 1658, published a small Treatise entituled, *Of the Grounds of Obedience and Government*, in Page 137 of which is the following remarkable Passage: It

‘ It cannot be rational for a dispossessed Governor to
 ‘ be restored with Hazard, unless the succeeding
 ‘ Government be pure Tyranny, and so the dis-
 ‘ possess’d Person necessary for the Quiet of the
 ‘ Common-Wealth.’

And I would here ask the *Jacobites* this Question, In how many Years does a new Possessor, and his Descendants, acquire a lawful Title ?

If the Answer be, Never. I ask again, Suppose a Nation, either by Conquest or Consent changes a Government and Succession perhaps of 500 Years standing, the lineal Descent all that Time purely preserved; and suppose further, that the new Prince and his Successors continue in Possession for 50, 60, or 100 Years, in which of the Families does the divine Indefeasible Right remain, supposing the Descendants of the first Prince still alive in Being ?

If they answer, In the first, they bring themselves into an inextricable Difficulty, which in short is this, That it will be impossible, if this be admitted, to ascertain any Prince’s Right to a Government, because there is no Nation in the World almost, in which there has not been Instances of Government transferred from one Family to another, or from one Branch to another of the same Family. In which of the antient Kings of *Rome*, for most of them were of different Families, was this romantick Right ? When the *Assyrian* Monarchy was changed into that of the *Medes*, and that again into the *Persian*, by *Cyrus*, while his Grand-father was yet alive, where did this Right rest, in how many Years did each of those Successions become a lawful Government ? Or did they ever do so ? To come nearer home, among the *Saxon Heptarchy*, Which King inherited the Right ? If it was in every one, where was it, or whither did it go, when several Kingdoms, some by Conquest, and some otherwise, were formed into one ? In which of the several Races,

Races, Saxons, Danes, Normans, or Saxons restored, did this Right remain? If they answer, The Saxons only, They never can get over this Difficulty: Supposing the *Norman* Line to have continued down to latter Ages, would their Government still been Usurpation? Were they not recognized by the Nation as rightful Kings, and justly too, seeing their Government continued for such a long Series of Years.

It would be endless to enumerate the many Absurdities that arise from denying that a long Series of Years can never make a Government lawful, tho' at first obtained even by Conquest. But our Sovereign's Title appears farther incontestable, from the Manner of the Accession of the present Family to the Throne. This was not by Conquest, nor by Treachery, nor Surprise; the Nation, by repeated Acts of Parliament, had settled the Crown in the House of *Hanover*, as the next Heirs in the Protestant Line. Where shall we find a Title more valid? Here we see a lineal Descent, the Consent and Approbation of the People solemnly confirmed, and an uninterrupted Possession for a Series of Years, sufficient to legitimate a far more remote Claim.

The last, and strongest Consideration I shall mention upon this Head, is the Happiness we have enjoyed under our present Sovereign, and his Royal Father, in the full and free Enjoyment of the invaluable Privileges of free Britons.

This is an Argument drawn from Experience, and therefore ought to have the more Force. Well might his Majesty in his Speech to the Parliament say, that not one of his Enemies could mention one Instance in which he ever violated the Laws of the Land, or injured the Property of the meanest Subject.

The next and last Use to be made of this Subject, will be to represent a few of the Consequences that would probably, nay infallibly, have attended the Success of the late unnatural Rebellion.

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The Author abovementioned, has set before our Eyes, the Danger that Religion would have been in, in very lively Colours, and therefore I shall not touch upon it, especially since there are extant abundance of Sermons and other Tracts, by the best Hands in the Nation, upon that Subject.

The Loss of our Liberties must of Necessity have followed the Downfal of the present Government, and that for these Reasons.

First, The bringing back Things to the State they were in before the Revolution, must have carried the new Governors farther; for as in the Reigns of *Charles II.* and *James II.* the most valuable Branches of the British Liberty were in a very uncertain Condition, and as the Views of these two Princes, particularly the last, were visibly directed towards Arbitrary Power, to which he believed himself to have an undoubted Right, who can doubt but that his (pretended) Descendants have still the same Views, and would, was the Power in their Hands, infallibly put them in Execution?

It is morally certain, that the Pretender and his Family have the same Sentiments of Government, as their (pretended) Ancestors, which, to the Experience of Britons, were found to be those of divine, immutable, Hereditary Right, and its natural Consequent, absolute and unlimited Authority.

This was what cost one King his Head, the next a long Train of Uneasinesses Jealousies, and Suspicions, and his Successor the Crown and Government of the three Kingdoms. If any should here object, that the Misfortunes of the Father have taught the Son Wisdom, and that the Pretender would never again hazard the Loss of his Crown, by pursuing such violent Measures; I answer, It is very unlikely if not impossible; for who had more Experience than *James* the Second? Had he not before his Eyes the Example
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of a Father, whose Thirst after absolute Power, rais'd a Rebellion against him, and at last brought him to an untimely End. Had he not that of a continued Opposition to the Measures of his Brother, and immediate Predecessor? and was he not fully sensible of the mortal Aversion of the Nation to Popery, and Arbitrary Government, from the frequent Attempts made by Parliament, to exclude him, upon that Account, from the Succession? Here was Experience, dear bought Experience, but all to no Purpose: He was resolute to pursue his old Maxims and Measures, and at last obliged the Nation to take the Government from him. And pray, what Security had this Nation, that the Son, allowing him to be so, would not have followed the Father's Steps? His very Claim to this Government, is a Denunciation against our Liberties.

Ye are, O *Britons*, &c. by an unalterable Right my Subjects, nay, Slaves: This Right ye can neither alienate, nor give away. Receive me therefore to my just Possession of you and all your Liberties, and I will graciously grant you back such a Share of them as I think fit; for of yourselves, you have none, you are not your own, but my Property.

Can any Man in his Wits, once suppose that a Prince inspired with these Maxims, would ever have been the Supporter of Liberty? Blessed be God, we have not made the Experiment!

But *Secondly*, As the Pretender's Expedition was the Scheme of *France*, and as the Undertaking was chiefly upheld by the Treasure of that Nation, there was just Reason to suspect, that after the Conquest of these Kingdoms, he would only have been the Deputy of his *Gallick* Majesty; and the Consequences of this must have been *French* Maxims, a *French* standing Army, and *Britain* made a Province of *France*. Then farewell for ever, to *English*, to *British* Liberty, to all our noble and invaluable Privileges.

The very Thoughts of what must then have been our Case, must fill the Soul of every true *Briton* with Horror. The next bad Consequence to *Britain*, would have been in our National Interest; our Properties must have sunk with our Liberties, and we should soon have been the poorest Nation upon Earth. Whatever the Enemies of the present Government may clamour against high Taxes, and the National Debt, it is evident to any one of common Sense, that had we made an Exchange, we should have made it infinitely for the worse. For had the Natial Debt been cancelled, the Consequences would have been, not only the entire Ruin of a great Part of the Nation whose Property it is, but the utter and irrecoverable Loss of our Credit abroad, as some Part of the Debt is due to foreign Powers. Had this Debt been preserved, it must have been vastly, infinitely increased by the immense Sums due to *France*, *Spain*, and *Rome*, whose Demands may be guessed at, but cannot be computed; not only the Maintenance of that Family for upwards of 50 Years, but likewise the Charges of several Expeditions; and these are such Debts, as the Pretender would not only have been strictly bound beforehand to pay, but also must have paid, upon the Principles of Honour and Gratitude.

And if so, what must have been the State of this Nation? If, according to the *Jacobites*, the Nation be already overloaded with this Burden, and sinking under it, she must have soon sunk downright under an additional Load: Now, supposing the National Debt discharged, or cancelled, besides the Inconveniencies of this just now mentioned, the Nation would only have exchanged one Burden for another, a Light for a Heavy, a supportable, and in Time curable Inconvenience, for an insupportable and desperate Wound.

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The Interest paid for the National Debt, is spent in the Nation ; this new contracted Debt must have been all carried out of the Land ; and if the *French* Trade only, in which we have something for our Money, be reckoned one of our greatest National Grievances, how must the Case have been aggravated, when such vast Sums would have gone out without any Prospect of Return ?

Add to this, That if the old Pretender never intended, as his Partizans gave out, to come and reside here, his Court must have been upheld in much greater Splendor than now, either in *France*, or *Italy* ; and what an additional Charge this would have been is evident, as the same Revenues which are sufficient to keep one Court, could not have been sufficient for two.

As for any Abatement in Taxes, who could reasonably expect it after the Account here given ? If no new ones had been raised, it is morally impossible that any old ones could, or would have been remitted ; and if they had, Property would have been rendered precarious : And pray, which is most eligible, to pay a Part of my Property towards the Support of that Government which secures the rest to me, or to pay no Taxes, but be at the Mercy of those, who have it in their Power to strip me of the whole ?

The last Consequence I shall mention, is the Ruin of our Trade, which of Course must have followed the Change of Government. If it be asked, How this could have been ? the Answer is easy ; the *French* and *Spaniards*, as I have observed, laid the Scheme, supported the Expedition, and undoubtedly would have claimed an immediate Reimbursement of their Charges, or some proper Equivalents, till they could have been made.

We are likewise sensible, that our Success in Trade and Navigation within these few Years, has been

Matter of great Jealousy and Uneasiness to them, and that they want only an Opportunity of crushing such powerful Rivals as the *English* have always been.

This was, for them, a lucky Hit: Had the Pretender succeeded, they would have been rewarded with our most valuable Settlements abroad, and perhaps some near Home.

Cape Breton, a Place of immense Value, and infinite Consequence to the *French*, if not to us, would have been given up again; and it is highly probable, that it would not have been the only Concession of this Kind: Several of our best Plantations lie contiguous to the *French* Settlements, and must have shared the same Fate with *Cape Breton*.

Portmahone and *Gibraltar*, would have been claimed by his *Catholick* Majesty; and if once given up, ~~the~~ the *Streights*, *Turkey*, and *Levant* Trade, and a valuable one too, must have been for ever after denied to *Britain*. These are but a few of the Losses our Trade must have met with; every Man of Sense may supply the rest, by reasonable and well founded Conjectures.

Now, methinks, I hear some *Jacobite* making this Objection: How is it possible to suppose, that a Prince would, upon any Conditions, consent to dismembering his Dominions?

I shall answer this by a Simile used last Winter in my hearing, on the same Occasion.

Suppose a Fellow comes to a Council, and tells him he has a Pretence to a very good Estate, and would handsomely reward any one that would get him into Possession. The Council asks for his Title; a sham one is produced: His Reply is, it is stark naught; but upon a valuable Consideration, perhaps one Third of the Whole, he will procure him the rest in Possession. Whether or not, would the Proposal be embraced by the Client? At worst, he must be a considerable Gainer by the Bargain. I
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leave the Application to every one to make for himself.

And now I shall finish this Treatise, with a short but serious Address to *Jacobites* of all Denominations. And first to those of the *Romish* Communion.

Gentlemen,

Your ardent Wishes for your Friend's Success in his late Undertaking, is in every Bodies Opinion, as well as your own, natural to you, and a reasonable Consequence of your Principles, and therefore nobody was surprized at your Conduct at this Juncture; which you looked upon as the fittest Opportunity to restore you to the free and open Exercise of your Religion, by Means of the secular Arm.

To argue with you as the Enemies to the Religion and Liberties of this Nation, would be to no Purpose, as you own yourselves to be so; but I shall argue with you as reasonable Men, and beg you to lay aside for a few Minutes, Bigotry, and the Fury of your Zeal.

Is not the Whole greater than any Part, how considerable soever; and ought not the Safety of the Whole, to be preferred to that of a Part? If so, how unreasonable to have sacrificed to your Zeal for your Church, the Religion of a National Church, besides the tender Consciences and Religious Interests of Thousands that dissent, both from you and the established Worship? I know you will here urge, that there is no Salvation out of your Communion; that in extirpating Heresy, God is well served; But these Assertions, to a reasonable Man, must appear full of Bigotry, Cruelty, and Impiety, of w^{ch} I suppose you for a few Minutes divested.

Consider with yourselves what Liberty, what Lenity you have experienced under the present Government, even in Religious Matters, enough to satisfy every one as to his own Conscience; will nothing
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satisfy you? Not the Free, nay, I had almost said, not the publick Exercise of your Worship, till such Time as granting the same any longer endangered the Government. Think for once with Impartiality, and then resolve me this one Question, Whether the Case of a Catholick (so you call yourselves) in *Italy*, *Spain*, or *France*, where the least Disobedience to your spiritual Guides would Subject you to Penances, which here would be deemed Cruelty; the least Freedom taken in speaking of Religious Matters, if not agreeable to your Ghostly Fathers, would send you to the Inquisition, Gallies, &c. be in any Measure so eligible as that of an *English* Papist, who has the Liberty to think and speak with what Freedom he pleases, without any Danger of suffering for it?

If you voluntarily give up this Liberty, even to your Guides here, I have no more to say, I pity your Infatuation. The Property and Civil Liberty of a Roman Catholic in *England*, is secured to him in Common with his Fellow-Subjects, and therefore it appears by what I have said above, that by a Change of Government, you could be no Gainers, but Losers. This you must admit, if you grant that the Form of Government would have suffered an Alteration. Upon the whole, it appears, that except the malicious Satisfaction of seeing your Religion propagated by Fire and Sword, you yourselves could not have received any Addition, either of spiritual or temporal Happiness, by the Change.

Now for our Protestant *Jacobites*.

Gentlemen,

I own I'm at a Loss in what Words to address myself to you, or to express my Astonishment at your Biggotry to an Opinion that has so little Foundation, and is so opposite even to common Sense. I do not revile you, I heartily pity you. I know
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some of you are in other Respects, Men of Merit, Learning, and Piety; yet I cannot tell how to reconcile this with your sacrificing every Thing that's dear to Mankind, the Welfare of your Families, and Preservation of your Posterity, as well as the Peace of your Country, to a ridiculous Claim; and having thereby made yourselves Instruments and Tools to a foreign Power, in order to destroy and enslave your Countrymen and Fellow-Subjects.

You profess yourselves Protestants, and consequently Abhorrrers of the Innovations and Corruptions of the Church of *Rome*; but how can you convince the World of this, when you have been, and are perhaps now endeavouring, and contriving to depose a Protestant King, and place upon his Throne a biggoted Papist, who, as sure as God is in Heaven, would exert the Power given him to the Propagation of his own Religion? Allow impartial Reason but a few Minutes Government of your Minds, and you must be convinced of the Truth of what I say. The Pretender would look upon himself as liable to the Curse of Heaven, while he allowed the State of the *English* Church, or Protestant Religion, to continue as it is.

Nay, it is morally impossible, that ever *France*, *Spain* or *Rome*, would have granted him any Assistance, but by express Stipulations in Favour of the Popish Religion. He could never have been secure in his Throne, as long as the Spirit of Protestantism was in the Nation: Popery and Slavery, all over *Europe* almost, go Hand in Hand; in this Nation they must be inseparable. Without the Exercise of Arbitrary Power, Popery could not be propagated, nor could this Power be prolonged without awing the Spirits of Men, and binding their Consciences, by Ecclesiastical Fulminations. Consider, if you plead Conscience, that his present Majesty, and his Royal Father, have allowed you a
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very surprizing Liberty for a long Time ; and I dare say, you yourselves are sensible, that if you had not the first drawn Sword the against the Government, you might have enjoyed that Liberty for Ages to come.

There is a third Sort of *Jacobites*, to whom I would address myself, namely, such of the noble Party of Free-Thinkers, as have listd themselves under the Pretender's Banner, who, of all Men alive, have thereby acted the most contradictory to their professed Principles.

Gentlemen,

You value yourselves, whether justly or not, upon the boasted Privileges of Freedom in all your Ways, and are highly offended with any Man who dares to entrench upon it. But how inconsistent with your Profession has been your Practice ? And how meanly have you sacrificed the Freedom of Thought, to maintaining the most absurd and ill founded Claim ?

You absolutely reject the Christian Religion, and Scheme of human Redemption by a Saviour, as a Fiction, a Piece of Priest-Craft, an Imposition upon Reason, and yet, you glibly swallow down Hereditary Indefeasible Right ; and which is the greatest Absurdity, let unprejudiced Reason judge. The Christian Religion represents God as a merciful Being, easy to be entreated, and ready to forgive : But the Claim of a divine, immutable Right in Tyrants, as is already observed, brings in God as treating his reasonable Creatures, not only with Disrespect, but with the utmost Cruelty.

You pretend to disbelieve that ever God granted a Power to the most excellent of Men, (to give the merciful Jesus no higher Title) to be exerted only for their Good and Happiness, in numberless Instances, even relating to a present Life ; and yet you admit, that the same God has granted a Power to the
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